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4 **SENATE BILL No. 239**

5
6 By Committee on Ways and Means

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8 2-17
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10 AN ACT concerning the secretary of state; relating to fees for certain
11 services and publications provided by the secretary of state; amending
12 K.S.A. 2002 Supp. ~~45-107, 53-104, 75-436, 75-438 and 77-430~~ and
13 repealing the existing ~~sections~~ **section**.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. ~~K.S.A. 2002 Supp. 45-107 is hereby amended to read as~~
17 ~~follows: 45-107. (a) The secretary of state shall sell copies of the session~~
18 ~~laws at the per volume price for such copies fixed by the secretary of state~~
19 ~~under this section. The secretary of state shall remit all moneys received~~
20 ~~under this section to the state treasurer in accordance with the provisions~~
21 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
22 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
23 ~~treasury to the credit of the state general information and services fee~~
24 ~~fund.~~

25 ~~—(b) Whenever the inventory of copies of any volume of the session~~
26 ~~laws exceeds 100 and a later volume of the session laws has been pub-~~
27 ~~lished, the secretary of state may dispose of copies of such volume without~~
28 ~~making a charge therefor until the inventory of such volume is reduced~~
29 ~~to 100 copies. When the inventory of any volume of the session laws is~~
30 ~~100 copies or less, the secretary of state, with the approval of the revisor~~
31 ~~of statutes, may dispose of copies from such inventory without making a~~
32 ~~charge therefor.~~

33 ~~—(c) The secretary of state shall fix by rules and regulations the per~~
34 ~~volume price for copies of the session laws sold under this section to~~
35 ~~recover the costs of printing, binding and, storing and delivering such~~
36 ~~volumes. The secretary of state shall revise all such prices from time to~~
37 ~~time as necessary for the purposes of covering and recovering such costs.~~

38 ~~—Sec. 2. K.S.A. 2002 Supp. 53-104 is hereby amended to read as fol-~~
39 ~~lows: 53-104. Such application, bond, oath and record of appointment~~
40 ~~shall be filed in the office of the secretary of state and properly indexed~~
41 ~~in that office. The secretary of state shall receive a fee of \$10 adopt rules~~
42 ~~and regulations fixing the fee to be charged and collected under this sec-~~
43 ~~tion for such services. The secretary of state shall remit all moneys re-~~

received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund *information and services fee fund*.

—Sec. 3. K.S.A. 2002 Supp. 75-436 is hereby amended to read as follows: 75-436. (a) The secretary of state shall fix, charge and collect fees to recover the costs of delivery, including postage and handling, which are incurred in connection with the sale of volumes of the session laws, volumes and sets of the Kansas Statutes Annotated, including the cumulative supplements thereto, volumes of the permanent journals of the senate and house of representatives and volumes and sets of the Kansas administrative regulations, including the annual supplements thereto. All such fees shall be fixed by rules and regulations adopted by the secretary of state.

—(b) The secretary of state shall remit all moneys received from fees and charges under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund *information and services fee fund*.

—Sec. 4. K.S.A. 2002 Supp. 75-438 is hereby amended to read as follows: 75-438. (a) There is hereby created the information and copy service services fee fund in the state treasury. *The secretary of state shall charge and collect an information and services fee. The secretary of state shall adopt rules and regulations fixing the fees to be charged and collected under this section. If fees or charges for such information-related duties and services otherwise are authorized by law, the information and service fees may be charged in addition to the existing information-related or service fee or charge.* The secretary of state shall remit all moneys received from fees and charges under ~~K.S.A. 75-400 or 75-437 or K.S.A. 2002 Supp. 50-1,101~~ this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and ~~copy service~~ services fee fund.

(b) All expenditures from the information and ~~copy service~~ services fee fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state or by a person or persons designated by the secretary.

(c) ~~On the effective date of this act, the secretary of state shall certify to the director of accounts and reports the amount of money in the con-~~

1 ~~version of materials and equipment fund of the secretary of state which~~
2 ~~moneys are from fees charged for copies of public documents under~~
3 ~~K.S.A. 75-409, and amendments thereto. Upon receipt of such certifi-~~
4 ~~cation, the director of accounts and reports shall transfer the amount of~~
5 ~~money certified from the conversion of materials and equipment fund to~~
6 ~~the information and copy service fee fund. All liabilities of the conversion~~
7 ~~of materials and equipment fund of the secretary of state which are at-~~
8 ~~tributable to the service of providing copies of public documents under~~
9 ~~K.S.A. 75-409, and amendments thereto, are hereby transferred to and~~
10 ~~imposed on the information and copy service fee fund.~~

11 *(c) On the effective date of this act, the information and copy service*
12 *fee fund is hereby redesignated as the information and services fee fund.*
13 *On the effective date of this act, the director of accounts and reports shall*
14 *transfer all moneys in the information and copy service fee fund to the*
15 *information and services fee fund. On the effective date of this act, all*
16 *liabilities of the information and copy service fee fund are hereby trans-*
17 *ferred to and imposed on the information and services fee fund and the*
18 *information and copy service fee fund is hereby abolished.*

19 ~~Sec. 5. — K.S.A. 2002 Supp. 77-430 is hereby amended to read as fol-~~
20 ~~lows: 77-430. (a) The Kansas administrative regulations shall be printed~~
21 ~~by the director of printing and delivered to the secretary of state who~~
22 ~~shall dispose of them as follows:~~

23 ~~—First, the secretary of state shall deposit in the supreme court law~~
24 ~~library and the state library such number of copies as the state law li-~~
25 ~~brarian and the state librarian, respectively, shall request for use in the~~
26 ~~law library and the state library, for purposes of the publication collection~~
27 ~~and depository system established under K.S.A. 75-2566, and amend-~~
28 ~~ments thereto, and for the purpose of exchange. The secretary of state~~
29 ~~shall distribute to the university of Kansas school of law and to Washburn~~
30 ~~university school of law the number of copies as the librarians of the~~
31 ~~schools of law, respectively, certify to the secretary of state as necessary~~
32 ~~for the purpose of exchange. The secretary of state shall retain two copies~~
33 ~~for use in the secretary of state's office.~~

34 ~~—Second, the secretary of state shall distribute:~~

35 ~~—(1) One copy to each member of the legislature at the time of taking~~
36 ~~office, after election or appointment, for the member's first term of office~~
37 ~~as a member of either house of the legislature which commences on or~~
38 ~~after the second Monday of January in 1991, except that a term of office~~
39 ~~as a member of either house of the legislature, whether a complete or~~
40 ~~partial term of office, shall not be construed for purposes of this distri-~~
41 ~~bution to be the member's first term of office if such term of office is~~
42 ~~part of a continuous period of service as a member of either house of the~~
43 ~~legislature or both houses of the legislature, in any combination of con-~~

1 ~~secutive terms of office;~~

2 ~~—(2)—one copy each to the governor, lieutenant governor, attorney gen-~~
3 ~~eral and state historical society library;~~

4 ~~—(3)—to the several offices of the judicial branch of state government,~~
5 ~~the number of copies necessary to conduct the official business of such~~
6 ~~offices, as requested by the chief justice of the supreme court;~~

7 ~~—(4)—two copies to the Washburn university school of law, for use in~~
8 ~~the law library, and two copies to the university of Kansas school of law,~~
9 ~~for use in the law library;~~

10 ~~—(5)—one copy to each county law library, upon request by the librarian~~
11 ~~thereof;~~

12 ~~—(6)—one copy to the city library in each city of the first and second~~
13 ~~classes, upon request by the librarian thereof; and~~

14 ~~—(7)—one copy to each county library, upon request by the librarian~~
15 ~~thereof.~~

16 ~~—Third, the secretary of state shall distribute to the several offices of the~~
17 ~~legislative branch of government, the number of copies necessary to con-~~
18 ~~duct the official business of such offices, as follows: (1) To the office of~~
19 ~~revisor of statutes as the revisor of statutes shall request;~~

20 ~~—(2)—to the legislative research department as the director of legislative~~
21 ~~research shall request;~~

22 ~~—(3)—to the division of post audit as the post auditor shall request, and~~

23 ~~—(4)—to the division of legislative administrative services as the director~~
24 ~~of legislative administrative services shall request.~~

25 ~~—Fourth, the balance of the Kansas administrative regulations after such~~
26 ~~distribution shall be kept by the secretary of state for sale as provided by~~
27 ~~this section.~~

28 ~~—(b)—The Kansas administrative regulations may be purchased in com-~~
29 ~~plete sets or in single volumes. Single volumes of the Kansas administra-~~
30 ~~tive regulations shall be sold by the secretary of state at the per volume~~
31 ~~a price fixed by the secretary of state under this section. Complete sets~~
32 ~~of the Kansas administrative regulations shall be sold by the secretary of~~
33 ~~state at the per set price fixed therefor by the secretary of state under~~
34 ~~this section. Copies may be delivered by postpaid mail by the secretary~~
35 ~~of state. The secretary of state shall fix by rules and regulations the prices~~
36 ~~of the Kansas administrative regulations. The secretary of state shall revise~~
37 ~~such prices from time to time for the purposes of covering and recovering~~
38 ~~such costs.~~

39 ~~—(c)—All moneys received from such sales shall be remitted to the state~~
40 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
41 ~~amendments thereto. Upon receipt of each such remittance, the state~~
42 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
43 ~~of the state general information and services fee fund.~~

1 ~~—(d) The secretary of state shall fix by rules and regulations the per~~
2 ~~volume and complete set prices of the Kansas administrative regulations~~
3 ~~sold under this section to recover the costs of printing and binding such~~
4 ~~volumes. The secretary of state shall revise such prices from time to time~~
5 ~~for the purposes of covering and recovering such costs.~~

6 New Sec. ~~6-2~~. During each month of the fiscal year ending June 30,
7 2003, and each fiscal year thereafter, the secretary of state shall certify to
8 the director of accounts and reports the amount equal to the product of
9 ~~\$2~~ **\$1** multiplied by the number of annual reports received by the sec-
10 retary of state during the preceding month from professional corpora-
11 tions, domestic or foreign corporations, corporations organized not for
12 profit, domestic or foreign limited liability companies, domestic or foreign
13 limited partnerships or any other entities pursuant to statute, which in-
14 clude the receipt of an annual franchise tax or privilege fee. Upon receipt
15 of each such certification, the director of accounts and reports shall trans-
16 fer an amount equal to the amount certified from the state general fund
17 to the franchise fee recovery fund of the secretary of state, which is hereby
18 created.

19 Sec. ~~7-3~~. K.S.A. 2002 Supp. ~~45-107, 53-104, 75-436, 75-438 and 77-~~
20 ~~430 are~~ **is** hereby repealed.

21 Sec. ~~8-4~~. This act shall take effect and be in force from and after its
22 publication in the Kansas register.
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